

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-2041

EUGENE ALLEN,

Petitioner,

versus

JOHN D. ASHCROFT, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration
Appeals. (A77-710-258)

Submitted: April 19, 2004

Decided: June 4, 2004

Before MICHAEL, KING, and GREGORY, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Randall L. Johnson, JOHNSON & ASSOCIATES, Arlington, Virginia, for
Petitioner. Peter D. Keisler, Assistant Attorney General, Michael
S. Raab, Colette G. Matzzie, Civil Division, UNITED STATES
DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Eugene Allen, a native and citizen of Sierre Leone, petitions for review of the Board of Immigration Appeals' ("Board") order affirming the immigration judge's oral decision denying Allen's applications for asylum, withholding of removal and withholding under the Convention Against Torture. We have reviewed the administrative record, the Board's order, and the immigration judge's decision and find substantial evidence supports the conclusion that Allen failed to establish the past persecution or well-founded fear of future persecution necessary to establish eligibility for asylum. See 8 C.F.R. § 1208.13(a) (2003) (stating that the burden of proof is on the alien to establish eligibility for asylum); INS v. Elias-Zacarias, 502 U.S. 478, 483 (1992) (same). We will reverse the Board only if the evidence "'was so compelling that no reasonable fact finder could fail to find the requisite fear of persecution.'" Rusu v. INS, 296 F.3d 316, 325 n.14 (4th Cir. 2002) (quoting Elias-Zacarias, 502 U.S. at 483-84). We do not find the record so compelling as to reverse the Board.

We further find no error in the immigration judge's application of the law. In addition, we find the Board did not violate Allen's right to due process.

We deny Allen's petition for review. We dispense with oral argument because the facts and legal contentions are

adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED